

REMARKS

By this Amendment, Applicant cancels claims 4-7. Accordingly, claims 1-3 and 8-11 are all the claims pending in the application.

Applicant thanks the Examiner for acknowledging that the replacement drawing for Figure 1 was received on August 31, 2007 and that the replacement drawing was accepted.

Claim Rejections - 35 U.S.C. § 102

Claims 4-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by March et al. (US Patent 7,068,655, hereinafter "March"). The rejection of claims 4-7 is moot, as claims 4-7 have been canceled.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao et al. (US Patent App. 2003/0219103, hereinafter "Rao") in view of Koch (US Patent 7,127,400) and further in view of Woolston et al. (US Patent 6,856,967, hereinafter "Woolston"). Applicant respectfully traverses the rejection.

The Rao reference is directed to the interception of call content at access points in a soft switch control network. According to Rao, if a subscriber A wishes to call subscriber B over a network 120, a soft switch 100 receives a notification that subscriber A has gone off hook and the soft switch 100 then checks the features available to subscriber A (the originating subscriber) and determine that subscriber A is attempting to originate a call. The soft switch 100 then instructs the integrated access device 300 to apply a dial tone, collect the dialed digits and send the dialed digits to the soft switch 100. Thus, if subscriber A attempts to call subscriber B, the collected digits are the telephone number for subscriber B. *See* Rao, paragraph [0066].

In setting up the intercept, the soft switch 100 first identifies an access point for intercepting the call content transmitted by subscriber A. The soft switch will also instruct the chosen access point to set up a bearer path for carrying subscriber A's transmitted call content to a delivery function 160. Soft switch 100 will instruct delivery function 160 to send subscriber A's transmitted call content to one or more law enforcement agencies. In addition, the soft switch 100 also identifies a second access point for intercepting call content originating from the destination which will receive subscriber A's call content based on the collected digits. That is, subscriber B. The soft switch 100 will instruct the delivery function 160 and chosen access point to create a second channel to the law enforcement agencies for transmitting the call content from subscriber B. *See* Rao, paragraphs [0075]-[0077].

Claim 1 recites:

An interception device comprising a Session Initiation Protocol proxy server or a Media Gateway Controller to detect information in signaling information being transmitted between two Internet Protocol parties and to generate instructions out of the detected signaling information for instructing a Real-time Transport Protocol proxy server to create channels to bypass a media stream to be intercepted via an intermediate storage medium.

In the Office Action the Examiner asserts that Rao substantially discloses all the limitations of claim 1, but the Examiner concedes that Rao fails to disclose that the soft switch comprises a Session Initiation Protocol (SIP) proxy server or a Media Gateway Controller or that the edge router comprises a Real-Time Protocol (RTP) proxy server. However, the Examiner asserts that Koch and Woolston allegedly cure the deficient disclosures of Rao. *See* Office Action, page 5.

In particular, the Examiner asserts that Rao discloses a first server that detects information in the signaling information being transmitted between two Internet Protocol (IP) parties and generates instructions out of the detected signaling information for instructing a

second server to create channels to bypass a media stream to be intercepted via an intermediate storage medium. *See* Office Action, pages 4-5. The rejection is based on soft switch 100 in figures 5 and 7, paragraph [0072], edge routers 710, 720, and paragraphs [0074] to [0079] of Rao.

However, Applicant respectfully submits that Rao neither teaches nor suggests a [first server] that operates “to detect information in signaling information being transmitted between two Internet Protocol parties,” as claim 1 recites. Rather, Rao discloses that when the soft switch 100 receives a request involving subscriber A, it determines from an internal database whether a subscriber has been designated an “intercept subject” by law enforcement. The switch 100 then begins the process of intercepting the intercept subject’s (subscriber A) transmitted call content, and call content the subject received from other parties (subscriber B), and channel that content to one or more law enforcement agencies. *See* Rao, paragraph [0072]. Rao neither teaches nor suggests a server for detecting information in signaling information being transmitted between two IP parties, as Rao discloses nothing about the soft switch 100 detecting information in the signaling information. Rather, Rao discloses that the soft switch 100 operates to set up a first bearer path between the chosen access point for intercepting the call content of subscriber A. At the access point, the call content is uplicated and the duplicates are transmitted to a delivery function 160 which in turn transmits the subscriber A’s call content to one or more law enforcement agencies. *See* Rao, paragraph [0075]. Therefore, Rao merely discloses that content is uplicated, with no teaching or suggestion of detecting information in signaling information being transmitted between two IP parties. Accordingly, Applicant respectfully submits that Rao fails to disclose the claimed feature of a [first server] that operates “to detect information in signaling information being transmitted between two Internet Protocol parties.”

Further, Applicant respectfully submits that Rao neither teaches nor suggests a [first server] that operates “to generate instructions out of the detected signaling information for instructing a [second] server to create channels to bypass a media stream to be intercepted via an intermediate storage medium.” Rather, Rao discloses that when the soft switch 100 receives a request involving subscriber A, it determines from an internal database whether a subscriber has been designated an “intercept subject” by law enforcement. *See* Rao, paragraph [0072]. Rao neither teaches nor suggests generating instructions out of the detected signaling information, as Rao discloses nothing about generating instructions based on the detected signaling information. Rather, Rao merely discloses generating instructions based on the identity of the subscriber stored in a database, with no teaching or suggestion of generating instructions out of the detected signaling information. Accordingly, Applicant respectfully submits that Rao fails to disclose the claimed feature of a [first server] that operates “to generate instructions out of the detected signaling information for instructing a Real-time Transport Protocol proxy server to create channels to bypass a media stream to be intercepted via an intermediate storage medium.”

Further, Applicant respectfully submits that even if Rao were modified based on Koch and Woolston, as the Examiner asserts in the Office Action, the combination does not contain all the limitations in claim 1. Koch is merely cited for teaching a media gateway controller as an element of a soft switch. Similarly, Woolston is merely cited for teaching an RTP server incorporated into a router. *See* Office Action, page 5.

Applicant respectfully submits that even if it is assumed that switch 100 is an SIP proxy server or an MGC controller and the edge router is an RTP server, as the Examiner asserts in citing Koch and Woolston, the switch 100 does not operate to “detect information in the signaling information being transmitted between two IP parties or to generate instructions out of the detected

signal information for instructing an RTP proxy server to create channels to bypass a media stream to be intercepted via an intermediate storage medium”, as recited in claim 1. According to Rao, the switch 100 operates to set up a first bearer path between the chosen access point for intercepting the call content of subscriber A. At the access point, the call content is duplicated and the duplicates are transmitted to a delivery function 160 which in turn transmits the subscriber A’s call content to one or more law enforcement agencies. *See* Rao at paragraph 75. The other copy of the call content is then forwarded on to the destination or subscriber B. Fig. 7 of Rao shows call content traveling from the user premises to the router 710. At the router 710 copies are made of the call content. One copy is sent to the router 720 and then on to the destination subscriber. Another copy is sent to the delivery function 160 and then to law enforcement agencies 170. Therefore, Rao does not disclose “instructing a [second] server to create channels to bypass a media stream to be intercepted via an intermediate storage medium”, as recited in claim 1, because the media stream is not bypassed. Instead, copies of the call content are created and some are sent to the destination server or subscriber, other copies are sent to the law enforcement agencies.

Accordingly, Applicant respectfully submits that the combination of Rao, Koch, and Woolston fails to disclose all the limitations of claim 1, and hence the combination of Rao, Koch, and Woolston does not render claim 1 unpatentable.

Claim 3 recites limitations similar to those discussed above, and hence the combination of Rao, Koch, and Woolston does not render claim 3 unpatentable for at least analogous reasons.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of Hackbarth et al. (US Patent App. 2002/0147777, hereinafter “Hackbarth”) and further in view of Woolston. Applicant respectfully traverses the rejection.

In the Office Action the Examiner asserts that Rao substantially discloses all the limitations of claim 2, but the Examiner concedes that Rao fails to disclose that the soft switch

comprises a Session Initiation Protocol (SIP) proxy server or that the edge router comprises a Real-Time Protocol (RTP) proxy server. However, the Examiner asserts that Hackbarth and Woolston allegedly cure the deficient disclosures of Rao. *See* Office Action, page 5.

Claim 2 recites limitations similar to those discussed above regarding claim 1. The Hackbarth reference is merely cited for teaching an SIP proxy server as an element of a soft switch. However, Applicant respectfully submits that even if Rao were modified based on Woolston and Hackbarth, as the Examiner asserts in the Office Action, the combination would not contain all the limitations in claim 2, as discussed above regarding claim 1, and hence the combination of Rao, Hackbarth, and Woolston does not render claim 2 unpatentable for at least analogous reasons.

Claims 8 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of Straut et al. (US Patent 7,219,138, hereinafter “Straut”). Applicant respectfully traverses the rejection.

Claim 8 recites:

An intercept system for intercepting a first data stream transmitted between a first Internet Protocol (IP) addresses and a second IP address, the intercept device comprising: a first server detecting information in the first data stream and generating an instruction based on said information; a second server creating a channel based on said generated instruction, wherein said channel bypasses said first data stream through a storage device, and said storage device operates to store a copy of said first data stream.

In the Office Action the Examiner asserts that Rao substantially discloses all the limitations of claim 8, but the Examiner concedes that Rao fails to disclose a storage device storing a copy of the data stream. However, the Examiner asserts that Straut allegedly cures the deficient disclosures of Rao.

Claim 8 recites limitations including “a first server detecting information in the first data stream and generating an instruction based on said information; a second server creating a channel based on said generated instruction, wherein said channel bypasses said first data stream through a storage device.” The Straut reference is merely cited for teaching a storage device that operates to store a copy of the data stream. However, Applicant respectfully submits that even if Rao were modified based on Straut, as the Examiner asserts in the Office Action, the combination would not contain all the limitations in claim 8, for analogous reasons as discussed above regarding claim 1, and hence the combination of Rao and Straut does not render claim 8 unpatentable for at least these analogous reasons.

Claim 11 depends on claim 8 and incorporates by reference all the limitations of claim 8, and hence the combination of Rao and Straut does not render claim 11 unpatentable at least by virtue of its dependency.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of Straut, as applied to claim 8, and further in view of Koch. Applicant respectfully traverses the rejection.

Claim 9 depends on claim 8 and incorporates by reference all the limitations of claim 8. Koch is merely cited for teaching a media gateway controller as an element of a soft switch. Applicant respectfully submits that, even if Rao and Straut were modified based on Koch, as the Examiner asserts in the Office Action, the combination would not contain all the limitations of claim 8, and hence claim 9, as discussed above. Accordingly, the combination of Rao, Straut, and Koch does not render claim 9 unpatentable.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of Straut, as applied to claim 8, and further in view of Woolston. Applicant respectfully traverses the rejection.

Claim 10 depends on claim 8 and incorporates by reference all the limitations of claim 8. Woolston is merely cited for teaching an RTP server incorporated into a router. Applicant respectfully submits that, even if Rao and Straut were modified based on Woolston, as the Examiner asserts in the Office Action, the combination would not contain all the limitations of claim 8, and hence claim 10, as discussed above. Accordingly, the combination of Rao, Straut, and Woolston does not render claim 10 unpatentable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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